

Appln Ser No. 10/791,603  
Amdt dated July 13, 2007  
Reply to Office Action of January 16, 2007

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## REMARKS

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Claims 1 to 14 remain in the application.

The invention presents an application-layer approach for providing multicast services to mobile users traversing networks with diverse multicast capabilities. The application-layer solution allows third-party service providers to support multicast services across access and backbone networks with incompatible multicast capabilities. The multicast architecture of the present invention overlays on the existing backbone and access network but takes advantage of underlying multicast capabilities when possible. In addition, the architecture of the present invention requires only limited control and knowledge of the underlying capabilities of the access and backbone networks.

Multicast proxies are established in the backbone network and at the edges of the access networks. These proxies relay information from the media server to the users across diverse networks. The proxies along with the user devices will form virtual networks that will be under the full control of the service provider.

The backbone proxies form the virtual network using tunnels between neighboring backbone proxies.

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US Patent 6697354) and further in view of Marquette et al (US Pub 2002/0156900).

Borella et al fails to show a telecommunications network for providing multicast services to mobile users comprising a virtual network as claimed by Applicants in claim 1. Borella et al also fails to teach or suggest a telecommunications network for providing multicast services to mobile users as claimed by Applicants in claim 13. Claim 13 claims, in part, "said local proxies receiving said request and forwarding said request to said media server through said virtual network; and said local proxies sending content to said

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mobile users". The Examiner agrees at page 3 of the Office Action which reads that "Borella et al does not explicitly teach a telecommunications network with a server that provides content when providing multicast services to mobile users."

In the portion of Marquette et al application cited by Examiner (page 3, para. 0047), the publication reads that "a user makes a call from a standard telephone 302 to a standard telephone number". There is no suggestion of mobile users. The Marquette et al relates to the provision of a protocol independent control module for providing applications and services to requesting clients across multiple protocol formats.

The Office Action continues that it would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a protocol independent control module for providing applications and services to requesting clients across multiple protocol formats, as taught by Marquette et al.

Marquette et al is not concerned with mobile users while Borella et al considers mobile users, therefore, it is respectfully submitted that one skilled in the art would combine the references in the manner suggested by the Examiner. It is only with the use of hindsight reconstruction provided by Applicants' teachings that one would even look to Borella et al and Marquette et al as was done by the Examiner. Certainly, one skilled in the art would not be motivated to combine the references to solve the problem in the manner claimed by Applicants in claims 1-14. The problem of multicasting from a media server to tomobile users is very different from the load balancing and resource application of Marquette et al.

The application-layer multicast architecture of the present invention allows a service provider to efficiently multicast information from a media server, acting as the information source and located in the backbone network, to the user roaming across different access networks. (Page 4, para. 13)

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It is respectfully submitted that Borella et al and Marquette et al cannot be combined as suggested by the Examiner nor is there any motivation to combine the references in the manner suggested by the Examiner in order to render claims 1-14 obvious under 35 U.S.C. 103 (a). Hence, claims 1-14 should be deemed allowable over the art of record.

Reexamination, reconsideration and allowance of claims 1-14 remaining in the application are respectfully requested.

Authorization is hereby given to charge Deposit Account No. 02-1822 the fee due under 37 CFR 1.17(a) of \$1020.00 for a three (3) month extension of the time to reply to the Office Action.

Respectfully submitted,



Philip J. Feig  
Registration No. 27,328  
Telephone No. 732-699-7997